

The Hon. Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
BINANCE HOLDINGS LIMITED,  
  
Defendant.

NO. CR23-178RAJ

**STIPULATED MOTION FOR  
ORDER OF FORFEITURE**

NOTE ON MOTION CALENDAR:  
February 9, 2024

**I. RELIEF REQUESTED BY THE PARTIES**

Pursuant to paragraph 10(h) of the plea agreement in this matter (Dkt. No. 23), the United States Department of Justice, Criminal Division, Money Laundering and Asset Recovery Section, National Security Division, Counterintelligence and Export Control Section, and the United States Attorney's Office for the Western District of Washington (collectively, the "Offices"), by and through its undersigned counsel, and Defendant Binance Holdings Limited, by and through its undersigned counsel, hereby file this Stipulated Motion for an Order of Forfeiture, pursuant to Federal Rule of Criminal Procedure ("Fed. R. Crim. P.") 32.2(b) for a forfeiture money judgment in the amount of \$2,510,650,558.

## II. LEGAL AND FACTUAL BASIS FOR STIPULATED MOTION

This Stipulated Motion is supported by the following procedural facts, which are reflected in the pleadings filed and docket entries made in this matter.

On November 14, 2023, the United States filed an Information charging Defendant with Conspiracy to Conduct an Unlicensed Money Transmitting Business (“MTB”) and to Fail to Maintain an Effective Anti-Money Laundering (“AML”) Program, in violation of Title 18, United States Code, Section 371 (Count 1); Conducting an Unlicensed Money Transmitting Business (MTB), in violation of Title 18, United States Code, Sections 1960(a), 1960(b)(1)(B), and 2 (Count 2); and Violation of the International Emergency Economic Powers Act (“IEEPA”), in violation of Title 50, United States Code, Section 1705, and Title 31, Code of Federal Regulations, Part 560 *et seq.* (Count 3). Dkt. No. 1.

The Information contained an asset forfeiture allegation providing notice that upon conviction of the offenses alleged in Counts 1 and 3 of the Information, Defendant shall forfeit to the United States, all property, real or personal, which constitutes or is derived from proceeds traceable to the offense, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c). Dkt. No. 1. The forfeiture allegation also provided notice that upon conviction of the offense alleged in Count 2, Defendant shall forfeit to the United States, all property, real or personal, involved in the offense, and any property traceable to such property, pursuant to Title 18, United States Code, Section 982(a)(1). *Id.*

On November 21, 2023, Defendant pleaded guilty to each of the charges contained in the Information. Dkt. No. 23, ¶ 2. In its Plea Agreement, the Defendant admitted, agreed, and stipulated that all the factual allegations set forth in the Information and in the Statement of Facts in the Plea Agreement were true and correct. *Id.* ¶ 11. The Plea Agreement was amended on December 11, 2023. Dkt. No. 28.

1 In its Plea Agreement, Defendant acknowledged that forfeiture is part of the  
2 sentence that must be imposed in this case. Dkt. No. 23, ¶ 15. Defendant agreed to forfeit  
3 to the United States its right title, and interest in any property, real or personal,  
4 constituting or derived from proceeds traceable to its commission of Conspiracy to  
5 Conduct an Unlicensed MTB and to Fail to Maintain an Effective AML Program, as  
6 charged in Count 1 of the Information, as all such property is forfeitable pursuant to Title  
7 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section  
8 2461. *Id.*

9 In its Plea Agreement, Defendant further agreed to forfeit to the United States its  
10 right title, and interest in any property, real or personal, involved in its commission of  
11 Conducting an Unlicensed MTB, as charged in Count 2 of the Information, as all such  
12 property is forfeitable pursuant to Title 18, United States Code, Section 982(a)(1).  
13 *Id.* ¶ 16. Defendant further agreed that this property includes a money judgment of  
14 \$1,612,031,763, which Defendant admits it collected in fees for transactions involving its  
15 United States users, *i.e.*, proceeds that Defendant obtained from this offense (the “1960  
16 Money Judgment”). *Id.*

17 In its Plea Agreement, Defendant further agreed to forfeit to the United States its  
18 right, title, and interest in any property, real or personal, constituting or derived from  
19 proceeds traceable to its commission of its violation of IEEPA, as charged in Count 3 of  
20 the Information, as all such property is forfeitable pursuant to Title 18, United States  
21 Code, Section 981(a)(1)(C) and title 28, United States Code, Section 2461(c). *Id.* ¶ 17.  
22 Defendant further agreed that this property includes a money judgment in the amount of  
23 \$898,618,825, which Defendant admits is the amount of transactions it caused between  
24 users who were U.S. persons and persons who resided in Iran (the “IEEPA Money  
25 Judgment”). *Id.*

26 In its Plea Agreement, Defendant acknowledged that the forfeitable sums for  
27 Count 2 and Count 3 total \$2,510,650,588, and accordingly agreed to forfeit to the United

1 States this sum of money as the “Total Money Judgment.” *Id.* ¶ 18. Defendant further  
 2 consented to the filing of the Proposed Order of Forfeiture, attached to its Plea  
 3 Agreement as Attachment G, and agreed that the Proposed Order of Forfeiture shall be  
 4 final as to Defendant at the time it is entered by the Court. *Id.* ¶ 20; *see* Dkt. No. 23-7  
 5 (Attachment G); *see also* Fed. R. Crim. P. 32.2(b)(4). As set forth in the Plea Agreement  
 6 as amended on December 11, 2023, the IEEPA Money Judgment is due no later than 30  
 7 days after the Defendant’s sentencing and the 1960 Money Judgment is due no later than  
 8 15 months after the Defendant’s sentencing. Dkt. No. 23, ¶ 24; Dkt. No. 28, Addendum  
 9 A, ¶ 24. The Total Money Judgment will be credited by – and offset payments that  
 10 otherwise would be due to – the Commodity Future Trading Commission (“CFTC”),  
 11 Office of Foreign Assets Control (“OFAC”), and the Financial Crimes Enforcement  
 12 Network (“FinCEN”), as set forth in the Plea Agreement as amended on December 11,  
 13 2023. Dkt. No. 28, Addendum A, ¶ 16 and in parallel agreements with the CFTC, OFAC,  
 14 and FinCEN.

15 To comply with the timing requirements of Fed. R. Crim. P. 32.2(b)(2), the parties  
 16 now jointly move for entry of an Order of Forfeiture, forfeiting the Defendant’s interest  
 17 in the money judgment in the amount of \$2,510,650,588, which is payable as set forth in  
 18 ¶ 24 of the amended plea agreement.

19 This forfeiture money judgement is personal to Defendant, and pursuant to Fed. R.  
 20 Crim. P. 32.2(c)(1), no third-party ancillary process is required before its forfeiture.

21 The proposed order, to which Defendant has already agreed, is filed with the Court  
 22 as Attachment G to Defendant’s Plea Agreement. *See* Dkt. No. 23-7. We ask the Court to

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enter that order at the Defendant's sentencing, or as soon thereafter as practicable, but not before. *See* Fed. R. Crim. P. 32.2(b)(4).

DATED this 9th day of February, 2024.

Presented by:

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*\*permission to e-sign and e-file obtained  
via email on February 8, 2024*